

52



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,001	07/23/2001	Scott R. Hinson	ADVENT005US	3688

7590 08/03/2004

DILLION & YUDELL LLP
8911 NORTH CAPITOL OF TEXAS HIGHWAY
SUITE 2110
AUSTIN, TX 78759

EXAMINER

GHEBRETINSAE, TEMESGHEN

ART UNIT	PAPER NUMBER
----------	--------------

2637

DATE MAILED: 08/03/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,001

Applicant(s)

HINSON, SCOTT R.

Examiner

Temesghen Ghebretinsae

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Claim Rejections - 35 USC § 112

Claims 1 –34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new limitation **added** to claims 1,26 and 28 (RF combiner that combines the plurality of RF signals into combined RF signal ***output at a lower frequency than the plurality of filtered signals***) has no support in the specification **as originally filed** see specification page 21, lines 18-20 and page 26 lines 22-29.

Specification

The amendment filed 02/20/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material,

which is not supported by the original disclosure, is as follows: page 21, lines 22-23;
page 27, lines; 4-21.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 18-30, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Overton in view of Lehman and further in view of Chen (5,784,413).

3. Consider claims 1, 26 and 28 as claimed and in the light of the specification. Overton discloses a transmitter which performs frequency conversion comprising a combiner for combining a plurality of channel signals, a first local oscillator for generating an up-conversion signal, a mixer for mixing the first local oscillator signal with the combined signal to provide an IF signal, a filter for filtering the IF signal, a second oscillator for providing a down-conversion signal (up conversion) (see present application specification page 26, line 22 to page 27, line 2), and a second mixer for mixing the filter's signal with the oscillation signal to provide an RF signal (see generally column 3, line 11 -column 5, line 6; figure 1). The system disclosed by Overton includes a single combiner for combining all channel signals and therefore does not require an RF combiner. However, separating the signals into groups and combining the signals using a plurality of combiners is not a novel concept. Lehman discloses such a system where

Cl 27

Art Unit: 2631

groups of modulated signals are separately combined depending upon the type of channel signal. After frequency conversion to the RF band, the signals are combined using an RF combiner (see generally figure 1; column 6, lines 1-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Overton to include multiple combiners and an RF combiner, as taught by Lehman, in order to provide grouping for various types of channels.

In the system Overtone two stage of up-conversion are used to achieve a desired signal to noise level at the output of the RF transmitter. The up-converted signal is amplified and transmitted over the TR RF link. In the system of Chen one stage of up-conversion (305) and a second stage of down conversion (515) are used to achieve a desired signal to noise level at the output of the RF transmitter. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Overtone by using the system of Chen i.e. one stage of up-conversion (305) and a second stage of down conversion (515) in order to achieve a desired signal to noise level at the output of the RF transmitter. (See fig.5 or 6)

4. Regarding claims 2 and 29, as stated above, the Overton system contains a single combiner for combining all channel signals eliminating the need for a plurality of synthesizers. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Overton to separate the single combiner into plural combiners and to provide a synthesizer for each combined output signal.

Art Unit: 2631

5. Regarding claims 3, 4, and 34, Overton further discloses that the digital signal processors are programmed to modulate the signals in the desired format, such as TDMA modulation (see generally column 3, lines 38-45).

6. Regarding claims 5 and 30, Overton further discloses that the channel signals sent to the combiner are equally space apart in frequency (see generally column 3, lines 49-56).

7. Regarding claim 8, combiners of various types are well known in the art to combine various numbers of signals. Choosing the amount of signals to be combined in each combiner is a matter of design choice.

8. Regarding claim 18, Overton further discloses that the channel signals are digital signals and the combiner is a digital combiner (see generally column 3, lines 28-51; figure 1).

9. Regarding claims 19 and 20, Overton further discloses a plurality of digital signal processors that modulate digital data into a modulated data stream (see generally figure 1; column 3, lines 29-40). The modulated signals are then sent to a combiner for combining the multiples channel into a combined channel (see generally figure 1; column 3, lines 49-60).

While Overton does not specifically recite a "modulator combiner", the combined functionality of the DSPs and the digital combiner perform the same function, as would a single element.

Art Unit: 2631

10. Regarding claim 21, Overton discloses all of the elements as described above in reference to claim 20, but does not include a configuration where a plurality of "modulator combiner units" are combined in a daisy chain manner. However, as explained above, using multiple combiners is not a novel process. Lehman discloses a system where multiple combiners, embodied as channelizer banks, are used to combine modulated signals (see generally figure 2; column 17, lines 31-65) and these channelizer outputs are connected in a daisy-chain fashion. It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of Overton to include multiple combiners connected in a daisy-chain fashion, as described by Lehman, in order to reduce the number of additional components required for each combiner and therefore reduce cost (see generally Lehman, column 1, lines 30-59).

11. Regarding claim 22, Overton further discloses the use of DACs for converting the combined signal channel to analog form (see generally column 4, lines 14-45).

12. Regarding claim 32, Overton and Lehman disclose all of the elements as described above in reference to claim 28. Lehman further discloses that the down-converted RF signals must be located within the frequency range of 1930 to 1990 MHz (see generally column 4, lines 37-44). It would have been obvious to one of ordinary skill in the art to adjust the oscillator signals to ensure this range is maintained because different communications protocols require the use of certain frequency ranges.

13. Regarding claims 23-25, Overton discloses a plurality of digital signal processors that modulate digital data. The digital data is then sent to a combiner and then to DACs

for converting the signal to analog. While Overton does not disclose that the DAC is internal to the modulator, it would have been obvious to one of ordinary skill in the art that whether the converter is located within the modulator or whether it follows as an external component, analog channel signals are still produced prior to frequency conversion. From this it follows that in the presence of analog signals would be an analog combiner, as claimed in claim 25.

14. Claims 13, 17, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Overton in view of Lehman and Chen as applied to claim 1, 26 and 28 above, and further in view of Waight.

15. Regarding claim 13, Overton; Lehman and Chen disclose all of the elements as described above in reference to claim 1, but neither specify that the filter used is an image reject filter. Waight discloses the structure for a typical dual frequency conversion system wherein a filter is used that provides image rejection (see generally column 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Overton to include the use of a filter with image rejection qualities in order to improve the signal prior to down-conversion.

16. Regarding claim 17, Waight further discloses the use of adjustable oscillators for the down-conversion stages. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Overton to include the use of adjustable oscillators as taught by Waight in order to eliminate interference between the oscillators (see generally column 3, lines 50 - column 4, line 21).

17. Regarding claim 33, Overton; Lehman and Chen disclose all of the elements as described above in reference to claim 32, but do not disclose the use of adjustable oscillators for down conversion. Waight discloses the use of adjustable oscillators for the down-conversion stages. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Overton to include the use of adjustable oscillators as taught by Waight in order to eliminate interference between the oscillators (see generally column 3, lines 50 - column 4, line 21).

Response to Arguments

Applicant's arguments with respect to claims 1-5,8,13,17-30,32-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Ghebrtinsae whose telephone number is (703) 305--4777. The examiner can normally be reached on Monday - Friday, 8:00 - 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (703) 306-3034. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

T.G. 7/23/04


TEMESCHEN GHEBRETINSAE
PRIMARY EXAMINER